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U.S. DISTRICT COURT
DISTRICT OF UTAH

GARY H. WEIGHT, P.C. (3415)
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IN THE UNITED STATES DISTRICT COURT IN AND FOR
DISTRICT OF UTAH – CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
	:	STIPULATED MOTION
Plaintiff,	:	TO CONTINUE JURY TRIAL
	:	
vs.	:	
	:	Case No. 2:04-cr-00770 DAK
ROBERT FISCUS,	:	
	:	
Defendant.	:	

Defendant, by and through counsel, Gary H. Weight, and stipulated to by Plaintiff's counsel, Karin M. Fojtik of the United States Attorney's Office, hereby move this Court for a continuance of the jury trial in the above matter currently set for March 21, 2005. This motion is made pursuant to the Speedy Trial Act 18 U.S.C. § 3161(h)(3) and 18 U.S.C. § (h)(8)(A).

Defendant and Plaintiff request the Court to grant this extension based on the need for expert review by the parties. Defendant is seeking to obtain the assistance of experts and will have an expert identified within the next ten (10) days. However,

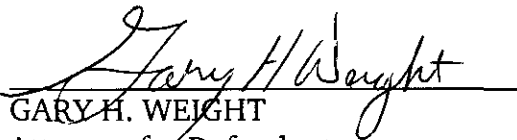
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Defendant will not be able to give Plaintiff notice of the expert with supporting curriculum vitae and report within the time required for disclosure. Further, Plaintiff will not have an opportunity to review the witness report and curriculum vitae and identify witnesses of their own.

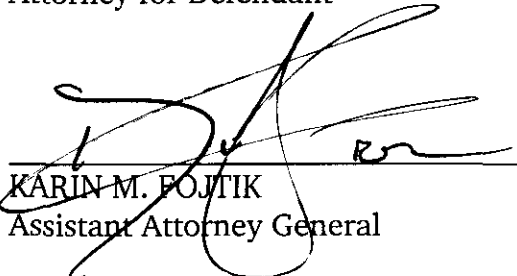
As a second, and independent grounds for a continuance under the Speedy Trial Act, Defendant requests that this Court find that the ends of justice are served by allowing Defendant his opportunity to obtain the services of an expert witness.

Finally, Plaintiff's counsel and Defendant's counsel have discussed expert testimony and the need for experts and the time constrictions. Both counsels join together in this motion.

For the above-stated reasons, the undersigned respectfully request this Court to grant the motion to continue and to exclude the additional time under the Speedy Trial Act.


GARY H. WEIGHT
Attorney for Defendant

Date: 2/23/05


KARIN M. FOJTIK
Assistant Attorney General

Date: 3/3/05

MAILING CERTIFICATE

I hereby certify that I mailed, postage prepaid, this 24th day of February, 2005, a copy of the foregoing Stipulated Motion to Continue Jury Trial to the following:

Karin M. Fojtik
Assistant Attorney General
185 South State Street, Suite 400
Salt Lake City, UT 84101

